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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,549	09/21/1999	HIROSHI NODA	35-C13849	3535
5514 7590 06/08/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER MISLEH, JUSTIN P	
			ART UNIT 2622	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/400,549

Applicant(s)

NODA, HIROSHI

Examiner

Justin P. Misleh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20 - 23, and 26 - 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20 - 23, 26, and 27 is/are rejected.
- 7) ☒ Claim(s) 28 - 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed January 26, 2007 have been fully considered but they are not persuasive.
2. Applicant argues, "Applicant's representative pointed out [during the Interview] that Claims 20 and 23 recite different first, second and third accumulation durations, while the patent discloses constant accumulation timings for different noise frames, as shown in Figure 3 ... the Rashkovskiy et al. patent teaches only constant accumulation times and that independent Claims 20 and 23 are allowable over this patent."
3. The Examiner respectfully disagrees with Applicant's position. The Examiner respectfully notes that the present application does not specifically support a situation where actual length of time of the accumulating period for each of the first, second, and third accumulation durations is different from one another. Rather, as indicated in Applicant's Remarks filed November 7, 2005, "it should be noted that in this claim [20], and the other newly added claims [21 – 26], the term 'duration' is used, in order to recite that the accumulation periods have the same length of time, but without specifying their respective start timings" (see paragraph spanning pages 7 and 8). Therefore, all that is required by independent Claims 20 and 23 is that the first accumulation duration, second accumulation duration, and the third accumulation duration have respectively different start timings.
4. In the Non-Final Office Action mailed July 26, 2006, the Examiner indicated this feature by stating the following:

“Additionally, Rashkovskiy et al. disclose, “the I_{P_DARK} pixel intensity pixel intensity may be provided by a corresponding pixel of the noise frame 24 ... the noise frame 24 is received once every interval 30, the level of the I_{P_DARK} pixel intensity is also updated once every interval 30 ... the dark current noise may change over the current interval 30” (see column 3, lines 33 – 42) (emphasis added).

The Examiner submits the only way the dark current noise may change of the interval is by changing the duration of the interval. Dark current noise is an inherent feature of semiconductor used to manufacture the image sensor and accumulates with time. In other words, the only way the dark current noise may change over the interval is by changing the duration of the interval. Since, Rashkovskiy et al. admit compensating for changes in dark current noise; the Examiner submits the noise frames (24) must be of different durations from each other.

Furthermore, to take into the abrupt changes in dark current noises with each interval, Rashkovskiy et al. take an average of the dark current noise among a plurality of noise frames (see column 3, lines 45 – 62).”

5. Thus, as clearly shown in figure 3, the “interval” relied upon in the statement above is “interval 30”, which has both a plurality of video frames (26) and a plurality of noise frames (24) captured over a time t . Therefore, Rashkovskiy et al. is interested in compensating for dark current by profiling the dark current over time using first, second, and third accumulation durations having respective start timings that are separated in time.

6. For these reasons, the Examiner will maintain the prior art rejection in view of Rashkovskiy et al.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 20 – 23** are rejected under 35 U.S.C. 102(e) as being anticipated by Rashkovskiy et al.

9. For **Claim 20**, Rashkovskiy et al. disclose, as shown in figures 2 – 12 and as stated in columns 2 (lines 33 – 56, 66, and 67), 3 (lines 1 – 22 and 55 – 67), 4 (lines 1 – 67), and 5 lines 1 – 25), an image processing apparatus (16):

a read-out unit (18) which reads out a photoelectric conversion signal accumulated in a pixel during a first accumulation duration, wherein the photoelectric conversion signal includes a first noise component (Figure 3 shows at least three noise frames 24 – the Examiner considers the first accumulation duration to correspond to the first noise frame 24 of the three noise frames 24);

an operation unit (28) which calculates a noise correction value corresponding to the first noise component by using a (The operation unit operates not only a correction value corresponding to the first noise frames 24 but corresponding to all three of the above-stated noise frames 24; see column 3, line 55 – column 4, line 52):

(1) a correction value (see formulas spanning columns 4 and 5) corresponding to a second noise component accumulated in the pixel during a second accumulation duration

(Since the claim language does not specific how the correction value is determined or obtained, the Examiner simply considers the second noise frame 24 of the three above-stated noise frames 24 to be the correction value corresponding to the second accumulation duration),

(2) a correction value (see formulas spanning columns 4 and 5) corresponding to a third noise component accumulated in the pixel during a third accumulation duration

(Since the claim language does not specific how the correction value is determined or obtained, the Examiner simply considers the third noise frame 24 of the three above-stated noise frames 24 to be the correction value corresponding to the third accumulation duration), and

a correction unit (22) correcting the photoelectric conversion signal using the correction value corresponding to the first noise component (see formulas in columns 4, line 52 – 5, line 25).

The Examiner indicated above that “Figure 3 shows at least three noise frames 24 - the Examiner considers the first accumulation duration to correspond to the first noise frame 24 of the three noise frames 24.” The Examiner further considered “the second noise frame 24 of the three above-stated noise frames 24 to be the correction value corresponding to the second accumulation duration” and “the third noise frame 24 of the three above-stated noise frames 24 to be the correction value corresponding to the third accumulation duration.”

Additionally, Rashkovskiy et al. disclose, “the I_{P_DARK} pixel intensity pixel intensity may be provided by a corresponding pixel of the noise frame 24 ... the noise frame 24 is received once every interval 30, the level of the I_{P_DARK} pixel intensity is also updated once every interval

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30 ... the dark current noise may change over the current interval 30" (see column 3, lines 33 – 42) (emphasis added).

The Examiner submits the only way the dark current noise may change of the interval is by changing the duration of the interval. Dark current noise is an inherent feature of semiconductor used to manufacture the image sensor and accumulates with time. In other words, the only way the dark current noise may change over the interval is by changing the duration of the interval. Since, Rashkovskiy et al. admit compensating for changes in dark current noise; the Examiner submits the noise frames (24) must be of different durations from each other.

Furthermore, to take into the abrupt changes in dark current noises with each interval, Rashkovskiy et al. take an average of the dark current noise among a plurality of noise frames (see column 3, lines 45 – 62). Thus, it is clear that Rashkovskiy et al. indeed takes into account changes in the first, second and third accumulation durations, and changes in the first, second and third noise components accumulated in the pixel, and the possibility that the first, second, and third accumulation durations are different from each other when calculating noise correction value.

10. As for **Claim 21**, Rashkovskiy et al. disclose, as shown in figure 3 and as stated in columns 3 (lines 55) – 4 (line 4), a noise frame average computed all three of the above-stated noise frames (24); thus, it must that the correction values corresponding respectively to the second and third noise components is obtained in advance, as claimed.

11. As for **Claim 22**, Rashkovskiy et al. disclose, as stated in columns 2 (line 66 and 67) – 3 (line 11), wherein the correction value corresponding to the second noise component is information on fixed pattern noise of a plurality of the pixels.

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12. For **Claim 23**, Rashkovskiy et al. disclose, as shown in figures 2 – 12 and as stated in columns 2 (lines 33 – 56, 66, and 67), 3 (lines 1 – 22 and 55 – 67), 4 (lines 1 – 67), and 5 lines 1 – 25), an image processing apparatus (16):

a read-out unit (18) reading out a photoelectric conversion signal accumulated in a pixel for a first accumulation duration, the photoelectric conversion signal including a first noise component (Figure 3 shows at least three noise frames 24 – the Examiner considers the first accumulation duration to correspond to the first noise frame 24 of the three noise frames 24);

an operation unit (28) operating correction value corresponding to the first noise component on the basis of (The operation unit operates not only a correction value corresponding to the first noise frames 24 but corresponding to all three of the above-stated noise frames 24; see column 3, line 55 – column 4, line 52):

(1) a correction value (see formulas spanning columns 4 and 5) corresponding to fixed pattern noise of a plurality of pixels (Since the claim language does not specific how the correction value is determined or obtained, the Examiner simply considers the all of the three above-stated noise frames 24 to be the correction value corresponding to the fixed pattern noise; see columns 2, line 66 and 67 – 3, line 11),

(2) a correction value (see formulas spanning columns 4 and 5) corresponding to a second noise component accumulated in the pixel for a second accumulation duration (Since the claim language does not specific how the correction value is determined or obtained, the Examiner simply considers the second noise frame 24 of the three above-stated noise frames 24 to be the correction value corresponding to the second accumulation duration), and

a correction unit (22) correcting the photoelectric conversion signal using the correction value corresponding to the first noise component (see formulas in columns 4, line 52 – 5, line 25).

The Examiner indicated above that “Figure 3 shows at least three noise frames 24 - the Examiner considers the first accumulation duration to correspond to the first noise frame 24 of the three noise frames 24.” The Examiner further considered “the second noise frame 24 of the three above-stated noise frames 24 to be the correction value corresponding to the second accumulation duration” and “the third noise frame 24 of the three above-stated noise frames 24 to be the correction value corresponding to the third accumulation duration.”

Additionally, Rashkovskiy et al. disclose, “the I_{P_DARK} pixel intensity pixel intensity may be provided by a corresponding pixel of the noise frame 24 ... the noise frame 24 is received once every interval 30, the level of the I_{P_DARK} pixel intensity is also updated once every interval 30 ... the dark current noise may change over the current interval 30” (see column 3, lines 33 – 42) (emphasis added).

The Examiner submits the only way the dark current noise may change of the interval is by changing the duration of the interval. Dark current noise is an inherent feature of semiconductor used to manufacture the image sensor and accumulates with time. In other words, the only way the dark current noise may change over the interval is by changing the duration of the interval. Since, Rashkovskiy et al. admit compensating for changes in dark current noise; the Examiner submits the noise frames (24) must be of different durations from each other.

Furthermore, to take into the abrupt changes in dark current noises with each interval, Rashkovskiy et al. take an average of the dark current noise among a plurality of noise frames

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(see column 3, lines 45 – 62). Thus, it is clear that Rashkovskiy et al. indeed takes into account changes in the first, second and third accumulation durations, and changes in the first, second and third noise components accumulated in the pixel, and the possibility that the first, second, and third accumulation durations are different from each other when calculating noise correction value.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 26 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rashkovskiy et al.

15. As for **Claims 26 and 27**, Rashkovskiy et al. disclose, as shown in figures 2 – 12 and as stated in columns 2 (lines 33 – 56, 66, and 67), 3 (lines 1 – 22 and 55 – 67), 4 (lines 1 – 67), and 5 lines 1 – 25), a focus adjustment unit performing the focus adjustment operation on the basis of the photoelectric conversion signals (see figures 14 and 15 and columns 5 (lines 37 – 60).

Regarding the memory limitation, Rashkovskiy et al. disclose, as shown in figures 14 and 15 and as stated in columns 5 (lines 37 – 68) and 6 (lines 1 – 7), a digital camera incorporating the image processing apparatus, wherein the image processing apparatus is comprised of mainly a computer (14) and microprocessor (80). Rashkovskiy et al. specifically indicates that the memory (88) is a critical component of both the computer (14) and

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microprocessor (80) especially for the purposes of bus communication. Furthermore, Rashkovskiy et al. disclose, as shown in figure 3 and as stated in columns 3 (lines 55) – 4 (line 4), a noise frame average computed all three of the above-stated noise frames (24); thus, it must that the correction values corresponding respectively to the second and third noise components is obtained in advance, as claimed. The formulas spanning columns 4 and 5 of Rashkovskiy et al. would be impossible to compute without the assistance of the memory (88). So, albeit it is not specifically stated, it is inherent to Rashkovskiy et al. to stores the correction values in the memory (88).

Moreover, Rashkovskiy et al. disclose, as shown in figures 14 and 15 and as stated in columns 5 (lines 37 – 68) and 6 (lines 1 – 7), a typical digital camera including the necessary components for capturing a focused image; however, Rashkovskiy et al. does not specifically address a control unit effecting control so that a focus adjustment operation is started in response to a first operation of an operation button and a photographing operation is performed in response to a second operation of the operation button on the basis of conditions adjusted based on the focus adjustment operation.

However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of providing the above-stated focus adjustment and photographing features in a digital camera are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to provide the above-stated focus adjustment and photographing features in the Rashkovskiy et al. digital camera for the advantage of allowing a user/photographer maximum flexibility in capturing an ideal image. In other

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words, providing such a feature would provide a user/photographer with the ability compose an image to his/her personal taste.

Allowable Subject Matter

16. **Claims 28 – 33** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The following is a statement of reasons for the indication of allowable subject matter:

As for **Claims 28 and 31**, while the closest prior art teaches compensating for dark current by taking into account the abrupt changes in dark current noises within each interval by averaging of the dark current noise among a plurality of noise frames; however, the closest prior art does not teach or fairly suggest wherein said read-out unit reads out a photoelectric conversion signal accumulated in a pixel during a first accumulation duration in response to a sensor accumulation completion signal from a sensor representing the pixel, and wherein said operation unit calculates a noise correction value corresponding to the first and second noise components by using correction values corresponding to second and third noise components accumulated in the pixel during second and third accumulation durations, which are both set by a timer independently of the sensor accumulation completion signal.

As for **Claims 29 and 32**, while the closest prior art teaches compensating for dark current by taking into account the abrupt changes in dark current noises within each interval by averaging of the dark current noise among a plurality of noise frames; however, the closest prior art does not teach or fairly suggest wherein the second noise component comprises a fixed

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pattern noise component whose value is independent of the second accumulation duration and whose correction value is calculated from a value of the photoelectric conversion signal accumulated in the pixel during the second accumulation duration without modifying said value with a value of the second accumulation duration, and wherein the third noise component comprises a dark current noise component whose value is dependent upon the third accumulation duration and whose correction value calculated from a value of the photoelectric conversion signal accumulated in the pixel during the third accumulation duration by modifying the value of the photoelectric conversion signal accumulated in the pixel during the third accumulation duration using the value of the third accumulation duration.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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19. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Vivek Srivastava can be reached on 571.272.7304. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
April 27, 2007

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a horizontal line drawn underneath it.

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600